

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of Title 10, Armed Forces.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 420 of this title.

§ 406c. Travel and transportation allowances: members assigned to a vessel under construction

(a) ALLOWANCE AUTHORIZED.—(1) Under regulations prescribed by the Secretary concerned, a member of the uniformed services who is assigned to permanent duty aboard a ship that is under construction at a location other than—

(A) the designated home port of the ship; or

(B) the area where the dependents of the member are residing,

is entitled to transportation, or an allowance for transportation under section 404(d)(3) of this title, for round-trip travel from the port of construction to either of those locations as provided in paragraph (2).

(2) A member referred to in paragraph (1) shall be entitled to such transportation or allowance on or after the thirty-first day (and every sixtieth day after the thirty-first day) after the later of—

(A) the date on which the ship enters the construction port; and

(B) the date on which the member becomes permanently assigned to the ship.

(3) The amount of reimbursement for personally procured transportation or the allowance for transportation under this subsection may not exceed the cost of Government-procured commercial round-trip air travel.

(b) DEPENDENTS TRAVEL.—(1) In lieu of the entitlement of a member of the uniformed services to transportation under subsection (a), the Secretary concerned may provide transportation in kind, reimbursement for personally procured transportation, or a monetary allowance in place of the cost of transportation as provided in section 404(d)(1) of this title for the travel of the dependents of the member from the designated home port of the ship, or the area where the dependents of the member are residing, to the port of construction.

(2) The total reimbursement for transportation for the member's dependents under paragraph (1) may not exceed the cost of Government-procured commercial round-trip travel.

(c) CHANGE OF HOME PORT.—In any case in which a member of the uniformed services assigned to permanent duty aboard a ship that undergoes a change of home port to the port at which the ship is being constructed, the dependents of such member may be provided the transportation allowances prescribed in subsections (a) and (b) in lieu of the transportation authorized by section 406 of this title and section 2634 of title 10.

(d) APPLICATION OF OTHER LAW.—Section 420 of this title does not apply with respect to transportation or allowances provided under this section.

(Added Pub. L. 101-189, div. A, title VI, § 624(a)(1), Nov. 29, 1989, 103 Stat. 1447; amended Pub. L.

102-190, div. A, title VI, § 622, Dec. 5, 1991, 105 Stat. 1378.)

AMENDMENTS

1991—Subsec. (b)(1). Pub. L. 102-190 substituted “the designated home port of the ship, or the area where the dependents of the member are residing,” for “the location that was the home port of the ship before commencement of construction”.

§ 407. Travel and transportation allowances: dislocation allowance

(a) Except as provided in subsections (b), (c), and (d) and under regulations prescribed by the Secretary concerned, a member of a uniformed service is entitled to a dislocation allowance equal to the basic allowance for quarters for two and one-half months as provided for the member's pay grade and dependency status in section 403 of this title if—

(1) the member's dependents actually make an authorized move in connection with the member's change of permanent station, including—

(A) a move to join the member at the member's duty station after an unaccompanied tour of duty when the member's next tour of duty is an accompanied tour at the same station; and

(B) a move to a location designated by the member after an accompanied tour of duty when the member's next tour of duty is an unaccompanied tour at the same duty station;

(2) the member's dependents actually move pursuant to section 405a(a), 406(e), 406(h), or 554 of this title;

(3) the member's dependents actually move from their place of residence under circumstances described in section 406a of this title;

(4) the member is without dependents and—

(A) actually moves to a new permanent station where not assigned to quarters of the United States; or

(B) actually moves from a place of residence under circumstances described in section 406a of this title; or

(5) the member is ordered to move in connection with the closure or realignment of a military installation and, as a result, the member's dependents actually move or, in the case of a member without dependents, the member actually moves.

If a dislocation allowance is paid under paragraph (3) or (4)(B), the member is not entitled to a dislocation allowance under paragraph (1) or (5).

(b) Under regulations prescribed by the Secretary concerned, whenever a member is entitled to a dislocation allowance under paragraph (3) or (4)(B) of subsection (a), the member is also entitled to a second dislocation allowance equal to the basic allowance for quarters for two months as provided for a member's pay grade and dependency status in section 403 of this title if, subsequent to the member or member's dependents actually moving from their place of residence under circumstances described in section 406a of this title, the member or member's

dependents complete that move to a new location and then actually move from that new location to another location also under circumstances described in section 406a of this title. If a second dislocation allowance is paid under this subsection, the member is not entitled to a dislocation allowance under paragraph (1) or (5) of subsection (a) in connection with those moves.

(c) A member is not entitled to more than one dislocation allowance during a fiscal year unless—

(1) the Secretary concerned finds that the exigencies of the service require the member to make more than one change of permanent station during the fiscal year;

(2) the member is ordered to a service school as a change of permanent station;

(3) the member's dependents are covered by section 405a(a), 406(e), 406(h), or 554 of this title; or

(4) the member or the member's dependents are covered by subsection (a)(3), (a)(4)(B), or (b).

This subsection does not apply in time of national emergency declared after April 1, 1975, or in time of war.

(d) A member is not entitled to payment of a dislocation allowance when ordered from his home to the first duty station or from the last duty station to his home.

(e) For purposes of this section, a member whose dependents may not make an authorized move in connection with a change of permanent station is considered a member without dependents.

(f) An allowance payable under this section may be paid in advance.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 474; Pub. L. 89-26, §1(3), (4), May 22, 1965, 79 Stat. 117; Pub. L. 89-718, §60, Nov. 2, 1966, 80 Stat. 1123; Pub. L. 90-207, §1(4), Dec. 16, 1967, 81 Stat. 651; Pub. L. 97-60, title I, §124, Oct. 14, 1981, 95 Stat. 1003; Pub. L. 99-145, title VI, §611(a), Nov. 8, 1985, 99 Stat. 639; Pub. L. 99-661, div. A, title VI, §619(a), Nov. 14, 1986, 100 Stat. 3881; Pub. L. 100-180, div. A, title VI, §613, Dec. 4, 1987, 101 Stat. 1093; Pub. L. 102-25, title VII, §702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 104-106, div. A, title VI, §624, Feb. 10, 1996, 110 Stat. 363; Pub. L. 104-201, div. A, title VI, §622(a), Sept. 23, 1996, 110 Stat. 2548.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
407(a)	37:253(c) (4th sentence).	Oct. 12, 1949, ch. 681,
407(b)	37:253(c) (5th, 6th, and 7th, sentences).	§303(c) (4th through 8th sentences); added
407(c)	37:253(c) (8th sentence).	Mar. 31, 1955, ch. 20, §2(12), 69 Stat. 21.

In subsection (a), the words "Except as provided in subsections (b) and (c) of this section" and "for one month" are inserted for clarity. The words "make an authorized move" are substituted for the words "are authorized to move and actually move".

In subsection (b), the words "is not entitled to . . . more than one" are substituted for the words "shall be entitled . . . for not more than one". The words "the payment of" and "for not more than one permanent change of station" are omitted as surplusage. Clauses (1) and (2) are substituted for the last 29 words of the 5th and 6th sentences of section 253(c) of existing title 37.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-201 substituted "two and one-half months" for "two months" in introductory provisions.

Pub. L. 104-106, §624(b)(1), in concluding provisions, substituted "paragraph (3) or (4)(B)" for "clause (3) or (4)(B)" and "paragraph (1) or (5)" for "clause (1)".

Subsec. (a)(5). Pub. L. 104-106, §624(a), added par. (5).

Subsec. (b). Pub. L. 104-106, §624(b)(2), substituted "paragraph (3) or (4)(B) of subsection (a)" for "subsection (a)(3) or (a)(4)(B)" and "paragraph (1) or (5) of subsection (a)" for "subsection (a)(1)".

1991—Pub. L. 102-25 struck out "of this section" wherever appearing in subssecs. (a) to (c).

1987—Subsec. (f). Pub. L. 100-180 added subsec. (f).

1986—Pub. L. 99-661 amended section generally. Prior to amendment, section read as follows:

"(a) Except as provided by subsections (b) and (c) of this section, under regulations prescribed by the Secretary concerned, a member of a uniformed service—

"(1) whose dependents make an authorized move in connection with his change of permanent station;

"(2) whose dependents are covered by section 405a(a) of this title; or

"(3) without dependents, who is transferred to a permanent station where he is not assigned to quarters of the United States;

is entitled to a dislocation allowance equal to his basic allowance for quarters for two months as provided for a member of his pay grade and dependency status in section 403 of this title. For the purposes of this subsection, a member whose dependents may not make an authorized move in connection with a change of permanent station is considered a member without dependents. An allowance payable under this section may be paid in advance.

"(b) A member is not entitled to more than one dislocation allowance during a fiscal year unless—

"(1) the Secretary concerned finds that the exigencies of the service require the member to make more than one such change of station during that fiscal year;

"(2) the member is ordered to a service school as a change of permanent station; or

"(3) the member's dependents are covered by section 405a(a) of this title.

This subsection does not apply in time of national emergency declared after April 1, 1955, or in time of war.

"(c) A member is not entitled to payment of a dislocation allowance when ordered from his home to his first duty station or from his last duty station to his home."

1985—Subsec. (a). Pub. L. 99-145 substituted "two months" for "one month" in first sentence.

1981—Subsec. (a). Pub. L. 97-60 inserted sentence in provision following cl. (3) authorizing the payment in advance of an allowance payable under this section.

1967—Subsec. (a). Pub. L. 90-207 authorized a dislocation allowance for a member of a uniformed service without dependents who is transferred to a permanent station where he is not assigned to quarters of the United States and for dislocation allowance purposes deemed a member whose dependents may not make an authorized move in connection with a change of permanent station to be a member without dependents.

1966—Subsecs. (a), (b)(2). Pub. L. 89-718 substituted "change of permanent station" for "permanent change of station".

1965—Subsec. (a). Pub. L. 89-26, §1(3), authorized a dislocation allowance for a member of the uniformed service whose dependents are covered by section 405a(a) of this title.

Subsec. (b)(3). Pub. L. 89-26, §1(4), added cl. (3).

EFFECTIVE DATE OF 1996 AMENDMENT

Section 622(b) of Pub. L. 104-201 provided that: "The amendment made by subsection (a) [amending this section] shall take effect on January 1, 1997."

EFFECTIVE DATE OF 1986 AMENDMENT

Section 619(b) of Pub. L. 99-661 provided that: “The amendment made by subsection (a) [amending this section] shall take effect on the date of the enactment of this Act [Nov. 14, 1986] and shall apply only to moves which commence on or after that date.”

EFFECTIVE DATE OF 1985 AMENDMENT

Section 611(b) of Pub. L. 99-145 provided that: “The amendment made by this section [amending this section] shall apply to moves begun after September 30, 1985.”

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-207 effective Oct. 1, 1967, see section 7 of Pub. L. 90-207, set out as a note under section 203 of this title.

EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89-26 effective Feb. 1, 1965, see section 2 of Pub. L. 89-26, as amended, set out as an Effective Date note under section 405a of this title.

CROSS REFERENCES

Assimilation of pay and allowances, see section 1003 of this title.

Regulations for administration of section, see section 411 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 411, 420, 1003, 1006 of this title.

§ 408. Travel and transportation allowances: travel within limits of duty station

(a) A member of a uniformed service may be directed, by regulations of the head of the department or agency in which he is serving, to procure transportation necessary for conducting official business of the United States within the limits of his station. Expenses so incurred by the member for train, bus, streetcar, taxicab, ferry, bridge, and similar fares and tolls, or for the use of privately owned vehicles at a fixed rate a mile plus parking fees, shall be defrayed by the department or agency under which he is serving, or the member is entitled to be reimbursed for the expense.

(b)(1) Under regulations prescribed by the Secretary concerned, a member of a uniformed service who performs emergency duty described in paragraph (2) is entitled to travel and transportation allowances under section 404 of this title for that duty.

(2) The emergency duty referred to in paragraph (1) is duty that—

(A) is performed by a member under emergency circumstances that threaten injury to property of the Federal Government or human life;

(B) is performed at a location within the limits of the member's station (other than at the residence or normal duty location of the member);

(C) is performed pursuant to the direction of competent authority; and

(D) requires the member's use of overnight accommodations.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 475; Pub. L. 99-145, title VI, §619(a), Nov. 8, 1985, 99 Stat. 642; Pub. L. 100-26, §8(d)(6), Apr. 21, 1987, 101 Stat.

285; Pub. L. 102-190, div. A, title VI, §623, Dec. 5, 1991, 105 Stat. 1379.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
408	40:491(m).	June 30, 1949, ch. 288, §211(m); added Sept. 1, 1954, ch. 1211, §2 (13th par.), 68 Stat. 1126.

The words “(as defined in the Career Compensation Act of 1949, as amended)” and “so directed” are omitted as surplusage. The words “official business of the United States” are substituted for the words “official Government business”.

AMENDMENTS

1991—Pub. L. 102-190 designated existing provisions as subsec. (a) and added subsec. (b).

1987—Pub. L. 100-26 substituted “privately owned” for “privately-owned”.

1985—Pub. L. 99-145 inserted “plus parking fees” after “fixed rate a mile”.

EFFECTIVE DATE OF 1985 AMENDMENT

Section 619(b) of Pub. L. 99-145 provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to parking fees incurred after September 30, 1985.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 420 of this title.

§ 409. Travel and transportation allowances: house trailers and mobile homes

(a)(1) A member, or in the case of a member's death, the member's dependent, who would otherwise be entitled to transportation of baggage and household effects under section 406 of this title, may be provided transportation of a house trailer or mobile home dwelling within the continental United States, within Alaska, or between the continental United States and Alaska (or reimbursement for such transportation), if the house trailer or mobile home dwelling is intended for use as a residence by such member or dependent. Such transportation may be limited to such modes and maximum costs as may be prescribed by regulations under subsection (d).

(2) Except as provided in subsection (c), transportation of a house trailer or mobile home dwelling under paragraph (1) is in place of the transportation of baggage and household effects the member or member's dependent would otherwise be entitled to have provided.

(3) The cost of transportation of a house trailer or mobile home dwelling under paragraph (1) may not be more than the total cost of transportation (including packing, pick-up, line-haul or drayage, delivery, and unpacking) of baggage and household effects of the member or dependent having the maximum weight authorized for the member or dependent under regulations prescribed by the Secretary concerned.

(4) A house trailer or mobile home dwelling in transit under this section may be stored up to 180 days in accordance with regulations prescribed by the Secretary concerned.

(b) Any payment authorized by this section may be made in advance of the transportation concerned.